

09-26-05
JC03 PCT/PTO 23 SEP 2005
PCT #17



Express Mail Label
No. EV619619154US

Attorney Docket No.: SHGN-19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kaoru Seno et al.
Application No. : 10/511,840 ✓ Confirmation No.: 5013
Group Art Unit : Not Yet Assigned
Filed : October 19, 2004
For : PYRAZOLO[1,5-a]PYRIMIDINE DERIVATIVE AND
NAD(P)H OXIDASE INHIBITOR CONTAINING THE
SAME

New York, New York
September 23, 2005

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER FOR RESPONSE TO NOTIFICATION
OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

Sir:

Applicants transmit herewith the following documents in response to the June
23, 2005 Notification of Missing Requirements Under 35 U.S.C. 371 in the United States
Designated/Elected Office (DO/EO/US):

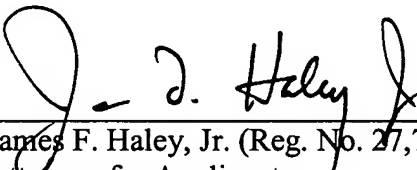
1. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
2. A copy of a newly executed Combined Declaration and Power of Attorney (3 pages);
3. Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
4. Petition under 37 C.F.R. § 1.136(a) for One-Month Extension of Time (in duplicate);
5. Postcard.

The Director is hereby authorized to charge a total payment of \$250.00, of which \$130.00 is in payment of the required late declaration surcharge, and \$120.00 is in payment of the one-month extension of time fee, as well as any additional fees that may be due to Deposit Account No. 06-1075 (Order No. 003824.0011). A duplicate copy of this Transmittal Letter is enclosed herewith.

Respectfully submitted,

10/03/2005 GFREY1 00000213 061075 10511840

01 FC:1617 130.00 DA
~~01 FC:1617 130.00 DA~~


James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
c/o Fish & Neave IP Group
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax.: (212) 596-9090

Express Mail Label
No. EV619619154US

Attorney Docket No.: SHGN-19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kaoru Seno et al.
Application No. : 10/511,840 Confirmation No.: 5013
Group Art Unit : Not Yet Assigned
Filed : October 19, 2004
For : PYRAZOLO[1,5-a]PYRIMIDINE DERIVATIVE AND
NAD(P)H OXIDASE INHIBITOR CONTAINING THE
SAME

New York, New York
September 23, 2005

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Sir:

This is in response to the June 23, 2005 Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (hereinafter "Notice"), a copy of which is enclosed herewith. A response is due, as extended by a concurrently-filed one month Petition for Extension of Time, on September 23, 2005. Thus, this reply is timely filed.

Translation of Claims 27-30

The Notice states that a translation of the application into English must be furnished in order to complete the requirements for acceptance under 35 U.S.C. 371. The Notice states that the current translation of the application is defective because the number of claims in the International Application, as filed, and the number of claims in the English translation are not the same. Applicants traverse.

Applicants filed an Amendment under Article 19(1) on August 5, 2003, which amended the claims to add claims 27-30 to the International Application. This Amendment was filed within 30 months of the priority date (April 23, 2002). 37 C.F.R. §1.495(d). Because the International Application was filed in Japanese, the Amendment was also filed in Japanese. The International Application was subsequently published under Publication No. WO03/091256 in Japanese on November 6, 2003, with 30 claims. At the time of filing the corresponding U.S. national phase application, applicants provided a copy of the amendments to the claims made under PCT Article 19, and a translation of the application with the Article 19 claim amendments into English. They did this within 30 months of the priority date. Applicants have therefore fulfilled the statutory requirement of 37 C.F.R. §1.495(d).

Applicants do not believe a processing fee is associated with this filing. However, should the Director feel differently, applicants have authorized payment of any fees, including any English translation surcharge, that may be due in the accompanying Transmittal Letter.

Declaration

The Notice also states that applicants must provide an executed oath or declaration and pay the surcharge set forth in 37 C.F.R. § 1.16(f). Accordingly, applicants enclose a copy of a combined Declaration and Power of Attorney newly executed by the inventors. The combined Declaration and Power of Attorney identifies the application by the International application number and international filing date and is thus in compliance with 37 C.F.R. §1.497(a) and (b). Applicants have authorized payment of the late oath or declaration surcharge in the accompanying Transmittal Letter.

Sequence Listing

The Notice also states that the application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. §1.821(c), and that applicants must provide an paper copy of the Sequence Listing as well as an amendment directing its entry into the application, a statement of the content of the Sequence Listing information, a copy of the Sequence Listing in computer readable form (CRF) and a statement that the content of the Sequence Listing information in CRF is identical to the written sequence. Applicants traverse.

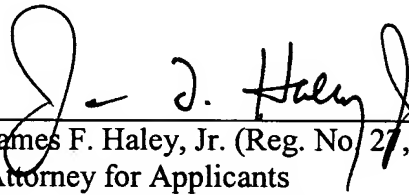
There is no Sequence Listing in this application.

Adjusted date: 01/31/2006 BCAMPBEL
18/03/2006 G-REV1 00000013 001075 10511840
32 FC:1612 130.00 CR

Conclusion

Applicants have complied with all of the requirements in the Notice in a timely fashion. Entry of the required items is requested.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants
c/o Fish & Neave IP Group
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax.: (212) 596-9090



UNITED STATES PATENT AND TRADEMARK OFFICE

PCT/PTO Page 1 of 3
Express Mail Label
No. 619619154US

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
-----------------------------	-----------------------	------------------

10/511,840

Kaoru Seno

SHGN-19

INTERNATIONAL APPLICATION NO.

PCT/JP03/05024

LA. FILING DATE

PRIORITY DATE

04/18/2003

04/23/2002

1473
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK, NY 10020-1105

RECEIVED

JUN 28 2005

CONFIRMATION NO. 5013

371 FORMALITIES LETTER

ROPES & GRAY LLP, PATENT DEPT.
REFERRED TO
NOTED BY

OC000000016344991

Date Mailed: 06/23/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/19/2004
- Copy of the International Search Report filed on 10/19/2004
- Copy of IPE Report filed on 10/19/2004
- Copy of Annexes to the IPER filed on 10/19/2004
- Copy of Article 19 Amendments filed on 10/19/2004
- Preliminary Amendments filed on 10/19/2004
- Information Disclosure Statements filed on 10/19/2004
- Oath or Declaration filed on 10/19/2004
- Request for Immediate Examination filed on 10/19/2004
- Copy of references cited in ISR filed on 10/19/2004
- U.S. Basic National Fees filed on 10/19/2004
- Priority Documents filed on 10/19/2004
- Power of Attorney filed on 10/19/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - The number of claims in the International Application and the number of claims in the translation are not the same.

- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(f)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$260 for a Large Entity:

- \$130 Late oath or declaration Surcharge.
- \$130 for English translation surcharge required.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Additionally the following defects have been observed:

- The translations of Annexes are canceled since the translations were not submitted prior to 30 months the priority date.
- The Article 19 amendments are canceled since a translation was not provided by the appropriate 30 (37 CFR 1.495(d)) months from the priority date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951

- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,840	PCT/JP03/05024	SHGN-19

FORM PCT/DO/EO/905 (371 Formalities Notice)



Rec'd PCT/PTO 23 SEP 2005

Attorney Docket No.: SHGN-19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kaoru Seno et al.
Application No. : 10/511,840 Confirmation No.: 5013
Group Art Unit Not Yet Assigned
Filed : October 19, 2004
For : PYRAZOLO[1,5-a]PYRIMIDINE DERIVATIVE AND
NAD(P)H OXIDASE INHIBITOR CONTAINING THE SAME

New York, New York
September 23, 2005

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

"Express Mail" mailing label number EV619619154US
Date of Deposit September 23, 2005

I hereby certify that this paper/fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Encl:

- Transmittal Letter (in duplicate);
- Response to Notification of Missing Requirements;
 - Petition under 37 C.F.R. § 1.136(a) for One-Month Extension of Time (in duplicate);
 - A copy of a newly executed Combined Declaration and Power of Attorney (3 pages);
 - Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
 - Return postcard